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RISE OF RACISM, INTOLERANCE IS SERIOUS THREAT TO DEMOCRATIC PROCESS,

THIRD COMMITTEE TOLD

At Outset of Discussion on Racial Discrimination, Self-Determination Speakers address Situation in Occupied Palestinian Territory, Use of Mercenaries

The rise of racism, xenophobia and intolerance represented the most serious threat to democratic progress and the creation of multicultural societies, an independent expert told the Third Committee (Social, Humanitarian and Cultural) today.

The trends now emerging justified the sounding of an alarm, said Doudou Diène, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. Worrisome patterns included the rise in racist and xenophobic violence, the growing number of political leaders openly espousing racist or xenophobic political platforms and the defamation of religions. He also drew attention to the criminalization of immigration and asylum. Those targeted by such policies were the main victims of racism, xenophobia and intolerance, he said, namely the immigrant, the asylum seeker and the foreigner.

Mr. Diène called for urgent and far-reaching measures to be taken, by the United Nations and by Member States, stressing the central importance of political will in addressing the problem. Systematic efforts were needed to counteract racial and religious hatred, he said, and a careful balance must be found between the secular State and freedom of religion. He also highlighted concerns about racism in sports, especially in football.

The representative of South Africa, speaking on behalf of the Group of 77 developing countries and China, said the lack of political will to combat racism and xenophobia had helped to fuel the problem. It was time for decisive action, he said. During the current General Assembly session, the Group of 77 and China would be calling for the adoption of a Durban review process, bringing the World Conference against Racism in line with other major United Nations conferences.

He added that the upsurge of intolerance, following the events of 11 September 2001, was a worrisome phenomenon, as terrorism had been equated with Islam, giving rise to racial and religious intolerance. While freedom of expression was a valuable component of democratic society, it should not infringe on the rights of others, he said.

The representative of Finland, speaking on behalf of the European Union, said that the European Union, being multicultural and multi-ethnic, attached great importance to combating racism and racial discrimination. However, she noted, multiculturalism had sometimes led to tension and conflict.

Counter-terrorism policies that led to entire groups being identified with terrorism had to be guarded against, she warned, as that only led to suspicion, mistrust and hostility. The fight against terrorism had to be conducted in full compliance with international human rights law, including non-

discrimination norms.

A number of delegations raised concerns about growing "Islamophobia", including the representatives of Pakistan, Kuwait and Morocco. The representative of Pakistan said that Islam continued to be identified with terrorism, and Muslims with security problems. He cited the creation of discriminatory laws and the ideological validation of Islamophobia. The defamation of Islam represented the most conspicuous form, contemporary racism, and, unfortunately, had been spread by the media. The international community must not succumb to the conspiracies of those who desired to provoke a clash of civilizations, he said. Drawing attention to the Special Rapporteur's observation that Muslims had faced retribution in their host countries for the actions of terrorists, he stressed that all religious profiling should be outlawed.

On the issue of self-determination, a number of delegations called on the international community to take action to address the situation of the Palestinian people, including the representatives of the Sudan, Egypt, China, Iran and South Africa. The observer of Palestine also spoke on this issue, noting that the Occupied Palestinian Territory had been shackled by an Israeli military occupation built on a racist premise. The colonial wall that Israel had erected in the West Bank had translated into cold hard cement, the Israeli Government's racist ideology, he said, and was disgraceful evidence of the international community's failure to apply international law.

Amada Benavides, chairperson of the working group on the use of mercenaries as a means of violating human rights and impeding the exercise of the rights of peoples to self-determination, also addressed the Third Committee today. She highlighted the growing tendency of States to cede core military functions to private military and security companies, which operated in a legal vacuum. The complexity of the problem could be seen in situations ranging from the involvement of mercenaries in an attempted coup d'état in Equatorial Guinea to the involvement of employees of private security companies in human rights violations at the Abu Ghraib prison in Iraq, she said. There was a need for greater regulation and monitoring of the actions of private military and security companies at the national and international level.

Also addressing the Third Committee today was Craig Mokhiber, Officer-in-Charge of the New York Office of the High Commissioner for Human Rights. He introduced several reports of the Secretary-General on the elimination of racism and racial discrimination, follow-up to the Durban Declaration and Programme of Action and on the right to self-determination.

The representatives of Zimbabwe (on behalf of the Southern African Development Community), Cuba, Chile, the Russian Federation, Japan, Republic of Moldova, Dominica (on behalf of the Caribbean Community), Saint Lucia and Brazil also made statements today.

The Committee will meet again at 10 a.m. on Tuesday, 7 November, to continue its general discussion of elimination of racism and racial discrimination and of the right of peoples to self-determination. The Committee, also, is expected to hear from António Guterres, the United Nations High Commissioner for Refugees.

Background

The Third Committee (Social, Cultural and Humanitarian) met today to begin its consideration of elimination of racism and racial discrimination and of the right of peoples to self-determination.

The Committee had before it the Report of the Committee on the Elimination of Racial Discrimination (document A/61/18), which covers the Committee's sixty-eighth session, from 20 February to 10 March 2006, and the sixty-ninth session, from 31 July to 8 August 2006. The report notes that the inter-State complaints procedure is underutilized. Despite repeated calls from the General Assembly, only 42 State parties have ratified the amendments to article 8, which, among other things, provide for the Committee's financing from the United Nations regular budget.

The report highlights organizational matters; decisions concerning the prevention of racial discrimination, including early warning and urgent procedures; consideration of reports, comments

and information by States parties under article 9 of the Convention; follow-up to that consideration; review of the Convention's implementation in States parties where reports are seriously overdue; consideration of communications under article 14; follow-up to individual communications, and general debates and statements.

It also highlights consideration of copies of reports and other information relating to trust and Non-Self-Governing Territories to which General Assembly resolution 1514 (2003) applies, in conformity of article 15; action by the Assembly during its sixtieth session; follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance; and discussion on reforming the treaty body system.

The Committee also had before it the Secretary-General's report on the financial situation of the Committee on the Elimination of Racial Discrimination (document A/61/186), which says that financing for the Committee's 2005 and 2006 annual sessions came from the regular budget and that, consequently, no State party assessments were made during those two years. However, several States parties are still in arrears due to the non-payment of previous assessments. Outstanding arrears totalled \$143,770.52 as of 1 June 2006.

Also before it was the Secretary-General's report on the status of the International Convention on the Elimination of All Forms of Racial Discrimination (document A/61/260), which notes that, as of 1 July 2006, 170 States had ratified or acceded to the treaty. Forty-seven of the States party to the Convention had made the declaration provided for under article 14, allowing for individual complaints to be considered by the Committee on the Elimination of Racial Discrimination. The report recalls that the General Assembly in resolution 60/144 had reiterated the call made by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to achieve universal ratification of the Convention by 2005 and endorsed the grave concern expressed by the Commission on Human Rights that that goal had not been realized.

The Committee had before it the Secretary-General's note on combating racism, racial discrimination, xenophobia and related intolerance and follow-up to the Durban Declaration and Programme of Action (document A/61/335), transmitting the interim report by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Doudou Diène. The Special Rapporteur in his report offers a summary of reports submitted to the Human Rights Council; his general report on racism, racial discrimination, xenophobia and all forms of discrimination; his report on the situation of Muslims and Arab peoples in various parts of the world in the aftermath of the events of 11 September 2001; his report on political platforms that promoted or incited racism; reports on his missions to Japan and Brazil, as well as a preliminary note on his mission to Switzerland. The report also offers a brief overview of his June 2006 mission to the Russian Federation.

The Special Rapporteur invites the General Assembly to draw the attention of Member States to the alarming signs of a retreat in the struggle against racism, racial discrimination and xenophobia, noting the impact of racist and xenophobic platforms in the political programmes of democratic parties and the rise in racist political violence. He also invites the Assembly to draw the attention of Member States to the serious nature of the defamation of religions, anti-Semitism, Christianophobia, and, more particularly, Islamophobia. He suggests strengthening the role of the United Nations in promoting interreligious and intercultural dialogue and encouraging the active participation of religious representatives in programmes for peace, development and human rights.

Also before the Committee was the Secretary-General's report on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and implementation of the Durban Declaration and Programme of Action (document A/61/337). The report summarizes replies received by the Office of the United Nations High Commissioner for Human Rights (OHCHR) from 25 States, one regional organization and four national human rights institutions. It also includes an update on the relevant activities of OHCHR and of the United Nations human rights mechanisms. The report concludes that it is too early for many States to measure the effectiveness of action plans to combat racism, but that implementation remains a constant challenge. The report stresses that the recommendations contained in the Durban Declaration and Programme of Action provide an agenda for States and other stakeholders to bolster their protection against discrimination of all kinds.

The Committee also had before it the Secretary-General's report on the universal realization of the right of peoples to self-determination (document A/61/333), which summarizes the former Commission on Human Rights' consideration of the issue and the Commission's decision during its final session to refer relevant reports to the newly established Human Rights Council. It also includes the Government of Mexico's reply to the Secretary-General's note to Member States, as well as relevant jurisprudence of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights on human rights norms governing the right of peoples to self-determination.

Also before it was a note by the Secretary-General on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (document A/61/341), which transmits the report of the Working Group established on July 2005, pursuant to Commission on Human Rights resolution 2005/2, to consider the issue. Sections II and III give an overview of the Group's activities since July 2005, consultations held with States, intergovernmental and non-governmental organizations and private-sector companies and its field missions. Section IV analyses responses of Member States, international organizations and non-governmental organizations to a November 2005 questionnaire.

Section V highlights how the international sale of military assistance, consulting services and security affects human rights. Sections VI and VII discuss mercenary activities in Africa, Fiji, Papua New Guinea, Latin America and the Caribbean, as well as national, regional and international laws on such activities. Section VIII describes the Working Group's future activities.

In the report, the Working Group notes that only 28 States have ratified the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, and it recommends that other States follow suit. The Working Group also encourages States to incorporate international and regional legislation into national law. Further, it recommends applying to private military and security companies, operating in two or more countries, normative provisions of the draft human rights norms of transnational corporations and other business enterprises. It also recommends that States where the companies exported and imported such services adopt laws to regulate -- through registration and licensing -- their activities and sanction violators.

The Working Group goes on to recommend that United Nations offices set guidelines to regulate the activities of private security and military companies working under their respective authorities, and ensure that the guidelines comply with human rights standards and international humanitarian law. It asks that it be allowed to hold three sessions annually to fulfil its mandate and supports the recommendation of the former Special Rapporteur on mercenaries to meet under United Nations auspices to discuss the role of States in having a monopoly over the use of force.

Elimination of Racism

CRAIG MOKHIBER, Officer-in-Charge, New York Office of the High Commissioner for Human Rights, introduced several reports of the Secretary-General on the elimination of racism and racial discrimination, follow-up to the Durban Declaration and Programme of Action and on the right to self-determination. He noted that the number of States parties to the International Convention on the Elimination of All Forms of Discrimination had reached 172, and that the number of States that had accepted the submission of individual communications to the Committee on the Elimination of Racial Discrimination had reached 49. He reviewed the work done by the Committee during its annual sessions in 2005 and 2006, which included the consideration of reports submitted by States, adoption of a declaration on the prevention of genocide and adoption of a new general recommendation concerning the prevention of racial discrimination in the administration of justice. The Committee also had discussed reform of the treaty body system and recommended the establishment of a single body to examine individual communications.

He noted that 24 Governments had submitted information regarding steps taken to implement the Durban Declaration. At the regional level, the European Monitoring Centre on Racism and Xenophobia had reported that among the key challenges were shortcomings in data collection by Member States, in the recording of incidents and monitoring of progress to overcome

obstacles to racial equality in employment, housing and education and in tackling racist violence. The Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action recommended that the Committee on the Elimination of Racial Discrimination conduct a further study on possible measures to strengthen implementation through the update of its monitoring procedures.

The General Assembly's request that the Commission on Human Rights continue to give special attention to the violation of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression or occupation, was now before the Human Rights Council. The Secretary-General's report on the right to self-determination outlined relevant jurisprudence of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights. He also noted that the draft United Nations Declaration on the Rights of Indigenous Peoples, adopted by the Human Rights Council at its first session, recognized the right of indigenous peoples to self-determination.

Statement by Special Rapporteur

DOUDOU DIÈNE, Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, said that efforts to combat racism, racial discrimination and xenophobia were currently encountering major challenges. He noted the growth of racist and xenophobic violence, including actions by neo-Nazi and nationalist groups. He also expressed concern over the increasing democratic legitimization of racism and xenophobia, which was evident in the growing number of racist and xenophobic political platforms. Government alliances with leaders of openly racist political parties posed an even more serious threat, as racist and xenophobic platforms were being institutionalized. Racist and xenophobic ideologies appeared to be gaining intellectual legitimacy, through public speeches and in a growing number of scientific and political publications. Such legitimization was particularly harmful, since all forms of racism derived from intellectual and cultural ideas.

Another serious trend was the criminalization of issues related to immigration and asylum of national religious, cultural and ethnic minorities, he said. Those targeted were the main victims of racism, xenophobia and intolerance, namely the immigrant, the asylum-seeker and the foreigner. He also drew attention to the growth of defamation of religions, including anti-Semitism, Christianophobia, and, more particularly, Islamophobia.

The problem emerging now justified the sounding of an alarm, he said. The growth of racism, xenophobia and intolerance represented the most serious threat to democratic progress and attempts to live together and create multicultural societies. He called for urgent and far-reaching measures to be taken by the United Nations and by Member States and his recommendations stressed the central importance of political will in addressing those problems. He proposed a series of regional conferences to assess implementation of the Durban Declaration and Programme of Action and to develop specific plans. Systematic efforts were needed to counteract racial and religious hatred, he said, and a careful balance must be found between the secular State and freedom of religion. He also highlighted concerns about racism in sports, especially in football.

In conclusion, he briefly touched on the main findings from country visits to Brazil, Switzerland, Japan and the Russian Federation. In Brazil, he noticed that the economic, social and political weight of racism was very present, but said that the Government had shown the political will to combat those problems. In Switzerland, the impact of xenophobic political platforms and the criminalization of certain aspects of immigration and asylum were major obstacles to making Swiss society a multicultural one, he said. In Japan, he had found an insular and hierarchical society that did not recognize its racist and xenophobic history and was resistant to growing multiculturalism. In the Russian Federation, he had found that the growth of racist and xenophobic violence represented the most serious threat to democratic politics.

Discussion

Responding to questions from a number of delegations, Mr. Diène said a trivialization of racism had taken place. Racism, xenophobia and hatred had become electoral tools. Political

parties had taken up racist and xenophobic rhetoric. Increasingly, there had been a democratization of racism, with Governments entering into coalitions with extreme-right groups, whose leaders had been assigned influential positions. There had also been a rejection of diversity, with multiculturalism coming under intellectual resistance.

Responding to the representative of Finland, he said the focus had to be on fighting racism by legal means, guided by international instruments, with a linkage to the development of democratic, egalitarian and multi-ethnic societies. Knowledge had to be shared and linkages between communities had to be strengthened.

Responding to the representatives of Cuba and Jamaica, he said slavery had been underpinned by an intellectual construct that sought to explain the cultural and physical inferiority of one being to another, enabling men, women and children to be sold as goods. Intellectuals, such as Voltaire, had provided intellectual explanations for the "inferiority" of black people. Slavery thus needed to be addressed as an archaeological undertaking. There had to be a return to the original construction of racist discourse. The resolution to be presented by Caribbean Community (CARICOM) on the transatlantic slave trade would be crucial in that regard.

Responding to questions about racism and religion, he said that the veil and the beard, as external signs of religious belief, had become targets. There had been a rejection of diversity. Secularism had been growing, with a lack of balance in the separation of religion from politics. Secularism had resulted in a situation where religious faith had been called into question. Regarding the Danish cartoons, ideological posturing had to be avoided. The idea of publishing cartoons demonizing Islam had not been dreamed up overnight; there had been a long history behind the mindset of demonizing Islam.

Responding to questions on how to combat racism, he noted that in the Russian Federation, where a number of his countrymen had been killed, the perpetrators of racially motivated murders had been arrested. That showed that there was no impunity. In Belgium, the Vlaams Blok in Antwerp had been democratically defeated because the Belgium press had gotten involved and immigrants had the right to vote. However, racism was a many-headed beast and a changing phenomenon; many fertile breeding grounds existed where racism could flourish.

Responding to the representative of Peru, he said that all his reports stressed that indigenous peoples -- first peoples -- had been the first victims of racism in the Western Hemisphere. Their extermination had led to the creation of the slave trade with Africa. Racism and slavery had been the twin pillars of all societies in the Western Hemisphere. A statement from the General Assembly on indigenous peoples would be a useful instrument and a positive step, but it should stress the importance of political will.

Responding to the representative of Barbados regarding an apology and compensation for the transatlantic slave trade, he recalled that he had launched the slavery programme at the United Nations Educational, Scientific and Cultural Organization (UNESCO) 15 years ago and that the very important issue of reparations had been dealt with. It was a legitimate principle; any negative action against a community or individual should be compensated. In the case of slavery, slave traders had asked to be compensated, and they had been, financially and materially. It was legitimate that descendants of slaves and indigenous peoples to ask for compensation too, but in what form? How would it be calculated and who would get it? Financial compensation had been the tree hiding in the forest. The concept of compensation had to be widened to include moral compensation; the recognition that slavery had been a crime against humanity -- a principle set out in Durban, but acknowledged by very few countries in Africa -- and to include historic compensation through the establishment of monuments at places where slavery had taken place, including markets where slaves had been traded. There had even been such a market on Wall Street. Such places should be part of the collective memory, and the idea would be raised in future reports.

Use of Mercenaries

AMADA BENAVIDES, Chairperson of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the rights of peoples to self-

determination, provided an overview of the Group's activities. She noted that the Working Group's mandate had been broadened to consider the activities of private military and security companies and to highlight the consequences of their actions on the enjoyment of human rights. She drew attention to the involvement of mercenaries in an attempted coup d'état in Equatorial Guinea and in violence in Papua New Guinea. She noted that employees of private security companies had been involved in human rights violations at the Abu Ghraib prison in Iraq, and that the Working Group was not aware that any of those individuals had been prosecuted for their crimes. She also pointed out that refugee camps in West Africa had become recruitment centres for those involved in conflict in Côte d'Ivoire. Those examples illustrated the complex phenomenon of mercenary activity and the activities of private military and security companies.

The Working Group sought to draw attention to the growing tendency of States to cede core military functions to private companies. The Group was concerned that employees of such companies operated within a legal vacuum. There was a need, at both the national and international levels, for greater regulation, controls and monitoring of the actions of such security companies. Among positive developments, she noted a South African draft law on the prohibition of mercenary activity and a Swiss initiative aimed at establishing a legal framework to regulate private military and security companies. She also highlighted a number of irregularities concerning individuals hired by companies to provide services in Iraq and Afghanistan, particularly those employees hired from Latin American countries. She noted problems, such as severe working conditions, non-payment of wages and insufficient attention to basic needs, such as medical care and sanitation.

She thanked the Governments of Honduras and Ecuador for their cooperation during recent missions of the Working Group and said there were plans for a visit to Peru in early 2007. She appealed to States to extend similar invitations to the Working Group. She also urged States, that had not yet done so, to ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, which so far had been ratified by only 28 States. The Working Group supported the recommendation made by the former Special Rapporteur on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination for a round table discussion on whether States wanted to maintain their monopoly over the use of force. In view of the challenges ahead, the Working Group asked for additional resources and to be allowed to hold three sessions a year.

Discussion

In the discussion that followed, Ms. BENAVIDES responded to questions from the representative of Ecuador on the impact of globalization on the phenomenon of mercenarism, and on how countries in Latin America could respond to the new challenges. She noted that the Working Group's mandate had broadened to include the activities of private military and security companies because of their growing number. The topic of mercenarism had evolved due to globalization and the privatization of State services, including security, which previously was the purview of the State alone. Although Private security companies did not necessarily come under the category of mercenarism, the development of a new legal framework and new norms was essential, she said.

The Working Group invited Member States to address the question of monopoly over the use of force. If States were prepared to hand that over to private companies, they must consider the consequences and implement measures to ensure that private companies and individual employees did not enjoy impunity for human rights violations. The Group was proposing high-level round table discussions on those issues, including on the definition of mercenarism. She also urged all States that had not done so, to accede to the International Convention against the Recruitment, Use, Financing and Training of Mercenaries. If enough States ratified that instrument, then the international community could consider an additional Protocol to fill the existing legal gaps. The Working Group also urged States to strengthen national legislation to regulate the activities of private military and security companies.

Asked by the representative of Cuba what should be the priority topics addressed during the proposed round table discussions, Ms. BENAVIDES said the principle purpose would be to find out how far States were prepared to go in ceding their monopoly on the use of force. There should be a

discussion on who or what came under the definition of mercenary, what were mercenary activities and what limits should be imposed on private military and security companies. The Working Group was very interested in following the Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights, and planned to work closely with the Special Rapporteur on that issue. Any round table discussions also should consider issues of sovereignty, the human rights obligations and responsibilities of Non-State Actors and the impact of globalization.

Statements

DUMISANI S. KUMALO (South Africa), speaking on behalf of the Group of 77 and China, said Governments had taken various important steps at the national level to combat racism, racial discrimination, xenophobia and related intolerance. Unfortunately, much more remained to be done. The effective combating of racism and its attendant scourges had been hampered by the lack of political will to advance the global anti-racism, anti-discrimination agenda, as expressed in the Durban Declaration. Such inaction gave comfort to, and fuelled, dangerous political platforms that pandered to racist and xenophobic tendencies in national election manifestos. It was time for decisive action. During the current General Assembly session, the Group of 77 and China would be calling for the adoption of a Durban review process, bringing the World Conference against Racism in line with other major United Nations conferences.

The upsurge of intolerance following the events of 11 September 2001 had been a worrisome phenomenon, he said. Terrorism had been equated with Islam, giving rise to racial intolerance and to religious intolerance, masquerading as freedom of expression. While freedom of expression was a valuable component of democratic society, it should not infringe on the rights of others. Racism in sport had remained a blight on society as well; international sporting bodies should be encouraged to implement and expand programmes to combat racism, in particular in football. It was hoped that the Fédération Internationale de Football Association (FIFA), in line with General Assembly resolution A/RES/60/144, would continue pursuing a robust non-racism theme. The Group of 77 and China supported the proposal by CARICOM to declare a day to commemorate the 200th anniversary of the abolition of the transatlantic slave trade.

KIRSTI LINTONEN (Finland), speaking on behalf of the European Union, said that the European Union, being multicultural and multi-ethnic, had attached great importance to combating racism and racial discrimination. One of its founding principles had been the fundamental concept that all human beings were born free and equal. Breaching that principle could often result in racism, racial discrimination, xenophobia and related intolerance. The fight against racism was part of the internal and external policy of the European Union, which called upon all States to ratify the International Convention on the Elimination of All Forms of Racial Discrimination as a matter of priority and to adopt national measures to combat the symptoms and causes of racism and discrimination.

Many societies had become increasingly diverse, bringing richness to the daily lives of their people, but multiculturalism had sometimes led to tension and conflict, too, she said. Racism revealed itself in many forms and could be both a cause and a consequence of discrimination. Entire groups could potentially be at risk. Counterterrorism policies that led to entire groups being identified with terrorism had to be guarded against, as that only led in turn to suspicion, mistrust and hostility. The fight against terrorism had to be conducted in full compliance with international human rights law, including non-discrimination norms. Next year would be the European year of Equal Opportunities for All, aimed at launching a debate on the benefits of diversity for Europe and making people more aware of their rights. European Union member States would be encouraged to elaborate national legislation to combat racism, racial discrimination, xenophobia and related intolerance more efficiently.

BONIFACE G. CHIDYAUSIKU (Zimbabwe), speaking on behalf of the Southern African Development Community (SADC), said that having lived through apartheid, the Community was determined to seek solutions to the vestiges of racism's naked past and to address its contemporary forms. SADC Member States had instituted laws against racism and racial discrimination, but recognized that legal provisions alone were not enough. The elimination of racism must entail

equitable distribution of economic, social and cultural resources to ensure social justice and promote equality of opportunities. Most SADC member States had signed or acceded to the International Convention on the Elimination of All Forms of Racial Discrimination. The SADC was happy to note that a number of countries had developed action plans, called for by the Durban Declaration and Programme of Action, and hoped that many more would do the same.

The SADC noted that the Working Group of Experts on People of African Descent had adopted a three-year programme of work, but was concerned that the Group remained underfunded and urged efforts to rectify that situation. It was regrettable that the group of Independent Eminent Experts on the implementation of the Durban Declaration and Programme of Action did not meet during the reporting period, he said. The SADC fully supported the proposal made by CARICOM for the General Assembly to declare 25 March 2007 a day to commemorate the 200th anniversary of the abolition of the Trans-Atlantic Slave Trade. Taking note of the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the SADC considered that Governments needed to demonstrate firm political will to combat racial profiling and other manifestations of racism. It also supported the recommendation of the Special Rapporteur that FIFA should implement and expand programmes aimed at combating racism in soccer and hoped that other sporting bodies would do the same.

In conclusion, he said that the full implementation of the Durban Declaration and Programme of Action would go a long way towards a world free of racism and racial discrimination.

KHALID MOHAMMED OSMAN SIDAHMED MOHAMMED ALI (Sudan) said that, despite ongoing efforts, there had been violations against individuals; racial discrimination and discrimination on the basis of religion and colour, as well as xenophobia and intolerance. These had all been mutating into new forms on a regular basis. Everyone shared a common humanity and, thus, racism and racial discrimination -- serious violations of human rights -- had to be fought by all possible means.

The Durban Plan of Action was the proper framework for regional and international efforts, which should be stepped up, he said. Racism and racial discrimination against immigrants, despite international efforts, had been a concern for Sudan. Within the country, the Constitution stated that citizenship was the only criterion for enjoying rights. Sudan's vision of a people's right to self-determination was in line with that adopted by the African Union; that right could not be exploited to dismember States or to violate their sovereignty or territorial integrity. Sudan called upon the international community to pay more attention to the Occupied Palestinian Territory and to the oppression and assassinations that its people had been suffering under Israeli occupation. Full implementation of relevant United Nations resolutions would correspond with aspirations for an independent Palestinian state with Al-Quds as its capital.

HESHAM MOHAMED EMAN AFIFI (Egypt), associating his views with those of South Africa on behalf of the Group of 77, said that racism, racial discrimination and xenophobia were still threatening to cause political and cultural turmoil based on man's contempt for his fellow man, shown by the increase of ultranationalist, rightist and other extremist and racist movements. In addition, the line between the fight against terrorism and discrimination against peoples was blurring, causing tensions between civilizations and religions.

It was therefore necessary, he said, to actively confront the legitimization of racism and xenophobia and the relationship of those scourges to the defamation of religions and their figures, especially in well-rooted democracies. In that regard, the freedom of education and media should not be without limits. In addition, he said he looked forward to the day when the usurped rights of the Palestinian people would be restored, putting an end to the daily racial violations against that people.

AKRAM ZAKI (Pakistan), associating himself with South Africa's statement on behalf of the Group of 77 and China, said that while the adoption of the International Convention on Elimination of All Forms of Racial Discrimination represented a "milestone" in the struggle against apartheid, more subtle forms of racism had emerged, reflecting a deep political, ethical and intellectual crisis. Since the 2001 Durban World Conference against Racism, racial discrimination had gained a new political

form under the guise of defending national identity and combating illegal immigration. Moreover, legal norms that actively violated the human rights of minorities and migrants had been created, and a growing political acceptance of racism had eroded fundamental values.

He said Islam continued to be identified with terrorism, and Muslims with security problems, as seen in the creation of discriminatory laws and the ideological validation of Islamophobia. Manifestations of bigotry and intolerance must be opposed at the national and international levels. The defamation of Islam represented the most conspicuous form of contemporary racism and it was unfortunate that media had allowed it. The international community must not succumb to the conspiracies of those who desired to provoke a clash of civilizations.

Drawing attention to the Special Rapporteur's report, which stated that minority Muslim groups had faced retribution in their host countries for the actions of terrorists, he stressed that all religious profiling be outlawed. Pakistan strongly denounced racism and racial discrimination in all its forms, as well as the normalization of racism and xenophobia for political ends.

YURI GALA LOPEZ (Cuba) said that discrimination had persisted, despite the fact that science had proven that the human race was one and indivisible. There had been more discrimination with the rise to power of right-wing parties in many developed countries, based on xenophobic and anti-immigrant ideas and agendas, and after 11 September 2001. Civilizations and religions, such as Islam, had been subjected to demonizing campaigns, masterminded by the main power hubs of the North. In the United States, the consequences of mentalities sustained on the supposed superiority of one race over another could be seen; there, organizations of neo-fascist persuasion thrived, and a shameful wall against immigrants was being built along the southern border. Cuba renewed its demand for the immediate realization of the goals and actions agreed at the Durban conference.

The right of peoples to self-determination was a precondition for all human rights, and Cuba, therefore, demanded the immediate withdrawal of Israeli forces from all occupied Arab territories, he said. Cuba, likewise, supported the right of Puerto Ricans to self-determination. The United States naval base in Guantánamo had been a deep wound on Cuba's independence, sovereignty and territorial integrity; the Cuban people would continue to demand its devolution. Mercenary activities had increased; Cuba would co-sponsor a draft resolution on the issue. Self-determination, mainly in the South, was being challenged by a hegemonic power, which Cuba knew very well; it had been harbouring, with impunity, the terrorist Luis Posada Carriles. It had also continued to impose a genocide blockade on Cuba, seeking to destroy the political, economic and social system supported by the Cuban people, without ruling out the military action. Cuba would not only defend itself, but it would win the battle.

GUO JIAKUN (China) stressed that his delegation viewed racism, racial discrimination and xenophobia as serious violations of human rights, which required courage and political will to address. The Durban Declaration and Programme of Action provided a guideline for international action against racism; however, implementation, over the past five years, had not been a complete success. He called for international support for the proposed Durban Review Process, which would help the international community to further clarify its goals, sharpen its methods and intensify coordination. Such a process, also, would help address new forms of racism and racial discrimination.

His delegation noted the ominous trends documented in the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, including a rejection of multiculturalism, the rise of Islamophobia and growing legitimization of racism, racial discrimination and xenophobia. Racial discrimination and violence against minority groups were particularly pronounced in some developed countries, he said.

The right to self-determination was a sacred right for people against foreign aggression and in safeguarding national sovereignty and dignity, he said. The international community should fully respect those principles and promote the right of peoples to self-determination. In that context, his delegation viewed the situation in the Middle East, particularly the humanitarian situation in Palestine, as cause for concern. China supported the struggle of the Palestinian people for the right

to self-determination and urged the international community to continue efforts to find a just and durable solution for the people of Palestine.

IGNACIO LLANOS (Chile) said that democratic Governments in his country had embarked on an irreversible process to overcome discrimination through public policies, with the participation of civil society and groups most vulnerable to discrimination. The struggle against discrimination and exclusion had been one of the five pillars of President Michelle Bachelet's Government. Discrimination, in Chile, had been approached as a problem to be overcome. The Government had been implementing a national plan aimed at the progressive diminution of various forms of discrimination, and the International Day Against Racism was celebrated in Chile on 21 March, every year. Regarding indigenous peoples, efforts had been made, by a commission on historical truth, and new policies were being established, based on the recognition of Chile's cultural diversity.

Draft legislation to establish measures against discrimination had been introduced, he said. In June, a code of good labour practice and non-discrimination for the public sector had been established. At the international level, Chile had ratified, last March, the convention on the rights of migrant workers, and regionally, it supported continental initiatives. Chile had a firm commitment to promoting equality and non-discrimination, within an inclusive and democratic society.

ANDREY A. NIKIFOROV (Russian Federation) said that, while theories of racial or national superiority, especially the ideology of the Third Reich, had been rejected by the international community, there now were covert and overt appeals for the rewriting of history. The international community, therefore, needed to develop a single position of condemnation of nationalist ideologies. The prevention of racism, racial discrimination and xenophobia should become key elements in the policies of all countries, he said. It was not sufficient to condemn such acts. It was necessary to take legislative measures to combat discrimination and to promote human rights education, particularly among the youth.

The Russian Federation's commitment to address those issues was evident in its domestic initiatives and in its cooperation with the visit, last June, by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. He also drew attention to the important resolution adopted by the Human Rights Council, which his delegation supported, on incitement to racial and religious hatred. He was surprised by the countries that had voted against such an important document. The Russian Federation intended to submit a similar resolution during the current session of the General Assembly, and he hoped that all member States would support that initiative. He noted that the problems of racism, racial discrimination and xenophobia were universal. Even in Europe, the cradle of democracy, with rich human rights traditions, one saw the growth of racism, ethnocentrism, Islamophobia and other forms of intolerance. However, the aim of resolution was not to single out any particular State, but to foster cooperation and dialogue.

TAKAHIRO SHINYO (Japan) stressed the importance of education in preventing racism, racial discrimination, xenophobia and related intolerance. School curricula should foster an understanding, among young people, of the history and culture of different countries, so that children learned respect for the dignity and worth of all human beings. Japan was determined to eliminate self-righteous nationalism, promote international cooperation, and thus advance peace and democracy worldwide. It was important to promote mutual understanding of historical facts and recognition of regional history, as well as friendly and cooperative relations with neighbouring countries. Japan and the Republic of Korea had conducted joint research of history, from ancient to modern times, and Japan and China had agreed to start joint research of regional history, by scholars of both countries. He expressed hope that such joint efforts would lead to mutual understanding of each other's history and peaceful coexistence.

Japan had invited the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance in July 2005, he continued. Some of the Special Rapporteur's statements, in his detailed report to the Commission on Human Rights and the General Assembly, were inaccurate, irrelevant and beyond his mandate. Japan had already submitted comments on some statements in his report to the Commission. The Special Rapporteur's mandate should be exercised properly and limited to what it should be, he said. Japan's federal and local Governments had taken measures against discrimination. He reiterated Japan's commitment to eliminate racism, racial discrimination, xenophobia and other intolerance.

Mr. AL SAIF ([Kuwait](#)) said his delegation had been distressed to see that some other delegations had mixed terrorism with Islam. That was not true; certain terrorists had been rejected by the Islamic community. Kuwait agreed with the Special Rapporteur that terrorism had been a political phenomenon, not a religious one. It also supported the observation that Islamophobia in particular, and xenophobia in general, had been the product of laws and campaigns designed to combat terrorism.

Kuwait was concerned that racism had been made an ordinary thing by extreme right-wing political parties, he said. It condemned recourse to the use of freedom of expression to allow the defamation of religious values, be they Muslim or other. Like the Special Rapporteur, Kuwait believed that racism was the major danger to democratic ideas. Any modern civilization was influenced by other civilizations; any civilization could also be darkened by irresponsible persons.

Mr. OMIDZAMANI ([Iran](#)) said several important and specific United Nations resolutions, as well as resolutions of the Commission on Human Rights, had consistently reaffirmed the right of the Palestinian people to self-determination. Regrettably, Israel had not only defied that right, but had also perpetuated massive human rights abuses of the Palestinians. The recent Israeli military aggression against the Gaza Strip and Beit Hanoun and the extended use of massive force against Palestinian civilians were among the latest flagrant violations of those rights. General Assembly resolution A/Res/60/107 of 18 January 2006, expressed its grave concern about continuing and systematic human rights violations of the Palestinian people by Israel, the occupying Power, including the excessive use of force, collective punishment, reoccupation and closures, the confiscation of land, the establishment and expansion of settlements and the construction of the wall inside the Occupied Palestinian Territory.

The newly established Human Rights Council, in its first special session, had adopted a resolution on the human rights situation in the Occupied Palestinian Territory, he said. It had expressed its grave concern at the breaches by Israel, the occupying Power, of international humanitarian law in the Occupied Palestinian Territory, including the arbitrary arrest of Palestinian ministers. Despite the Israeli withdrawal from the Gaza Strip, the region was still besieged and cut off from the rest of the world. Grave human rights violations, in the Occupied Palestinian Territory, originated from occupation and denial of the fundamental rights of Palestinian people, in particular the right to self-determination. He expected the United Nations, in particular the Human Rights Council, to take effective measures to end Israeli crimes and provide the Palestinian people with the protection they needed. The violation of the Israeli regime of the Palestinian right to self-determination had not only trampled the fundamental human rights of an entire people, but had also been a persistent threat to peace in the region. Systematically occupied by the Israeli regime, the Palestinian Territory must return to the people of Palestine.

ALEXEI TULBURE ([Republic of Moldova](#)) said that influential decisions and reports, concerning self-determination, had consistently found that a successful claim for self-determination must show three things: that the secessionists were a "people", that the State, from which they were seceding, seriously violated their human rights; and that there were no other effective remedies, under either domestic or international law. None of those factors were present in the case of Transnistria. A simple analysis of the ethnical composition of the Transnistrian region suggested that it did not differ from that of the rest of Moldova. Although some might suggest that the term "people" should mean a group with common goals and norms, current State practice did not support such a proposition.

He said that the Republic of Moldova was fully committed to the observance of human rights. In contrast, the Transnistrian region of Moldova had had a poor human rights record, including a lack of due process, persecution of religious minorities and retaliation against political dissenters. The events of the 1992 conflict, in and of themselves, did not make a persuasive claim of secession as a legal right. If they did, the world would be rife with such conflicts. There were no ongoing violations of human rights in Moldova, though it still had many possible pitfalls on its road to becoming a fully modern democratic State. Thus, the requirement of serious violations of human rights had not been met.

As for options besides secession, the separatists had chosen to make the conflict seem intractable, by repeatedly refusing any options short of effective sovereignty of the Transnistrian region. As for comparisons between the September referendum "on independence", organized by the separatist leaders, and Montenegro's achieving sovereignty via referendum, the key fact in that situation was that Serbia had accepted the use of a referendum, as a means to resolve the issue. The government of Moldova did not. As a matter of law, the central Government was the one to decide. That was what sovereignty was all about. To say that a separatist regime could merely vote itself into independence would set so low a bar that the Westphalian system would devolve into a thousand microstates.

CRISPIN GREGOIRE (Dominica), speaking on behalf of CARICOM, said the international community must accelerate efforts to address racism, racial discrimination and colonialism. He commended the Office of the United Nations High Commissioner for Human Rights (OHCHR) for assisting Governments with technical support to develop national plans to combat racism and its associated ills. The OHCHR's work to develop a racial equality or anti-discrimination index was encouraging. He concurred with the Intergovernmental Working Group's recommendations that States should work to strengthen implementation on international human rights instruments dealing with racism, racial discrimination, xenophobia and related intolerance — particularly those contained in the International Convention on the Elimination of All Forms of Racial Discrimination.

He said he concurred with the Durban Declaration and Programme of Action, including the recognition of the positive role of national institutions to fight racism and racial discrimination and the need to strengthen those institutions capacities. He lauded other recommendations made during the regional conference in Brazil last year, such as the development of human rights programmes for Government officials, the need for United Nations agencies to further assist and support regional initiatives, and the request that the Human Rights Council consider reviewing the Durban process, as soon as possible. CARICOM was, within the framework of the Organization of American States, preparing a draft Inter-American Convention against Racism and all forms of Discrimination and Intolerance. That draft Convention addressed direct and indirect discrimination, racial profiling and other acts of racism, and focused considerably on protecting individual rights, and States duties, and developing protection mechanisms.

AMMAR HIJAZI, Observer of Palestine, said that the Palestinian people's plight with racism had been going on for almost 100 years, when their land had been promised as another people's homeland without their consultation or consent. That plight had reached its peak in 1948, with the forced expulsion of then more than 800,000 Palestinians from their historical homeland. There now were four million such refugees. Inheriting refugee status had plunged Palestinians into a dark abyss of bitterness and hopelessness. Israel, the occupying Power, had adopted racial discrimination as doctrine, when dealing with the Palestinian people. It exerted all efforts to deny Palestinians the rights to which they were entitled, including the right to return to their homes.

Most recently, the Israeli Prime Minister had invited Israel's most racist politician to join the Government as his Deputy and his Minister of Strategic Affairs, he said. Avigdor Lieberman, head of the Israel Beituna Party, had, repeatedly and very openly, disclosed his racist views of Arabs and Palestinians. The Occupied Palestinian Territory, including East Jerusalem, had been shackled by an Israeli military occupation, built on the racist premise that security and prosperity had to come through subjugation, exploitation and oppression of another nation and all its resources. The colonial wall that Israel had erected, in the West Bank, had translated into cold hard cement, the Israeli Government's racist ideology and deemed impossible the establishment of an independent Palestinian State; it was also disgraceful evidence of the international community's failure to apply and protect international law. To cleanse itself, Israel had to recognize its historical responsibility for the pain and suffering it had caused the Palestinian people, and it had to be driven to undo the wrongs done to them.

Mr. KUMALO (South Africa) took the floor, for a second time, to make a statement on the right of peoples to self-determination. South Africa found it most unfortunate that the international community still had to grapple with the subject of the right to self-determination, long after its enunciation by the United Nations General Assembly. He focused on the current situation in the Middle East, which he said posed a threat to international peace and security. South Africa viewed, with deep concern, the continuing occupation of Palestinian territory, by Israel, in contravention of

international law. He noted that the report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967 had catalogued a litany of violations visited upon the Palestinian people, the root cause of which was their wish to exercise their right to self-determination in an independent and sovereign State.

South Africa called on both the Government of Israel and the Palestinian National Authority to seek a peaceful solution to the conflict in the Middle East. His delegation supported the internationally agreed consensus expressed in United Nations Security Council resolutions 242 and 338, which recognized Israel's right to exist and affirmed the right of the Palestinian people to a sovereign State, with Jerusalem as its capital. South Africa further affirmed the African Union resolution, calling upon the international community, and the members of the Quartet in particular, to reactivate the plan to pave the way for a return to the negotiating table, in order to achieve a lasting and comprehensive solution to the Israeli-Palestinian conflict, on the basis of two States living, side by side, in peace and security.

FATIMA BAROUDI ([Morocco](#)) said it was regrettable that, while new technologies had reduced distances and turned the world into a global village, ideas based on discrimination, exclusion and hatred had continued to proliferate and to find many sympathizers. Reconciliation necessarily involved a constructive dialogue between civilizations, religions and cultures that favoured better mutual understanding. Extremism did not result from a shock of "cultures," but from a shock of "ignorance". Islamophobia was the clearest illustration of such incomprehension and ignorance.

Convinced that religion had to be a vector to peace and understanding, Morocco had ceaselessly guarded against the use of religion to spread feelings of hatred, racism and xenophobia, she said. It had been in this spirit that King Mohammed VI had called for a dialogue between religions and the elaboration of an ethical charter between the three monotheist religions. Morocco had undertaken a number of measures to ensure full respect for the rights of all citizens, regardless of their religion, language or gender. It had been among the first countries to join the Alliance of Civilizations, initiated by the Prime Ministers of Spain and Turkey. Regarding the freedom of expression, that principle could never be used to justify intolerance and provocation, especially when touching upon a human being's relationship with God and life.

MICHELLE JOSEPH ([Saint Lucia](#)) noted that the right of all peoples to self-determination was enshrined in the United Nations Charter, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, among other international instruments. Self-determination was the very grounds on which the former territories in Africa, Asia, the Pacific and the Caribbean had broken the formal bonds of colonialism and had become independent States.

As a member of the Special Committee on Decolonization and as a country that, itself, had emerged from colonialism to full independence, through a process of self-determination, Saint Lucia strongly urged that the unfinished agenda of the 16 remaining Non-Self-Governing Territories be addressed in all relevant United Nations bodies, including the Human Rights Committee and the Human Rights Council. She recalled that the Chairman of the Special Committee on Decolonization had set forth a plan for implementation of the decolonization mandate, elaborating a proactive approach. The international mandate for self-determination was longstanding, but the international community needed to give substance to those initiatives, she said.

HESHAM MOHAMED EMAN AFIFI ([Egypt](#)) said that the right to self-determination was no less important than any other right; it was just as sacred as the right to self-defence. Guaranteed, by the Charter of the United Nations, it enabled the proper management of other human rights. It was a recognition of a people's right to oppose colonialism or foreign occupation by all means available, including armed struggle. It was, thus, incumbent on all States to ally their efforts to those struggling against colonialism, and to remind States to comply with their commitments, under international humanitarian law.

The peace process in the Middle East, he said, had to be re-launched on the basis of an independent Palestinian State, enabling the Palestinian people to exercise all their legitimate rights -

- above all, their right to self-determination. The international community had to guarantee Israel's withdrawal from all Arab territories in Syria and Lebanon and invite Israel to put a halt to its daily aggression in Palestine and Lebanon. The international community had made immense progress in guaranteeing respect for human rights, but such progress could not be complete, so long as a double standard was applied. Unless the Human Rights Council broached issues from the standpoint of racial discrimination, the world would face very unfortunate repercussions. The failure of the Security Council to ensure peace and security had given rise to an outburst of violence in the region; thus Arab States, on 27 September, had addressed the Security Council, with the aim of seeing it fulfil its responsibilities, as far as the Middle East was concerned, and to guarantee, to the peoples in the region, their natural right to self-determination.

OTTO A. MAIA ([Brazil](#)) thanked the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance for his visit to Brazil and for his participation in a regional conference in the Americas. His delegation was encouraged by the Special Rapporteur's recognition of the active political will, shown by the Brazilian Government, in fighting racism and appreciated his constructive recommendations. His delegation believed that the adoption, by the Human Rights Council, of the draft United Nations Declaration on the Rights of Indigenous Peoples, was a major achievement. Brazil recognized the invaluable contributions of indigenous peoples to the political, economic, social and cultural development of society. He stressed the common understanding during negotiations over the draft text that the rights of indigenous people were consistent with the recognition of State sovereignty and territorial integrity.

He noted that the concluding observations of the Human Rights Committee did not reflect accurately the Government's indigenous policies. The Government had acknowledged 12.5 per cent of Brazilian territory as belonging to indigenous peoples. Regarding the alleged eviction of indigenous peoples from their land, he said that there were two isolated cases, both of which were under examination by the Brazilian courts. He noted that 150,000 indigenous children were enrolled in primary or secondary schools, and a further 1,300 young people were enrolled in higher education institutions. Those figures were on the rise, he said. The Government also had undertaken efforts to expand the provision of safe drinking water, provide vaccinations and improve access to medical facilities for indigenous peoples. His Government had organized the first national conference of indigenous peoples and was taking into account recommendations made there, in its development of relevant programmes.

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